

KAREN SUE PERCY	)	
Claimant	)	
VS.	)	
	)	Docket No. 244,592
KANSAS MASONIC HOME	)	
Respondent	)	
AND	)	
	)	
CONNECTICUT INDEMNITY COMPANY	)	
Insurance Carrier	)	

Respondent agrees temporary total disability compensation was underpaid for the period beginning February 15, 1999 and ending December 20, 1999, but denies claimant is entitled to any additional weeks of temporary total disability compensation beyond December 20, 1999, the date Judge Clark found claimant had reached maximum medical

improvement and entered an order terminating temporary total and medical benefits. Respondent asks the Board to affirm the ALJ's conclusion that claimant has no permanent impairment of function and no work disability as a result of the February 14, 1999 accident.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the entire record and having considered the briefs and arguments of counsel, the Appeals Board finds that the Award entered by the ALJ should be modified with respect to temporary total disability compensation but should otherwise be affirmed. The Board agrees with and adopts the findings of fact and conclusions of law set forth by the ALJ in the Award.

Claimant was temporarily and totally disabled following her February 14, 1999 work related accident up through and including December 20, 1999, a period of 44.14 weeks, except for the 3 weeks claimant worked during that period. Accordingly, claimant is entitled to 41.14 weeks of temporary total disability benefits at the agreed weekly compensation rate of \$281.89 for a total of \$11,596.95 in temporary total disability compensation.

The Board agrees with the ALJ that claimant has failed to prove she suffered permanent injury as a result of the February 14, 1999 accident. Accordingly, an award of permanent partial disability compensation, including work disability, is denied. Claimant is entitled to payment of all the authorized medical treatment expenses she incurred and is also entitled to payment of her unauthorized medical expenses up to the statutory limit.

#### **AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award entered by Administrative Law Judge John D. Clark dated February 6, 2001, should be, and is hereby, modified to award 41.14 weeks of temporary total disability compensation at the weekly rate of \$281.89, but is otherwise affirmed.

**WHEREFORE, AN AWARD OF COMPENSATION IS HEREBY MADE IN ACCORDANCE WITH THE ABOVE FINDINGS IN FAVOR** of the claimant, Karen Sue Percy, and against the respondent, Kansas Masonic Home, and its insurance carrier, Connecticut Indemnity Company, for an accidental injury which occurred February 14, 1999, for 41.14 weeks of temporary total disability compensation at the rate of \$281.89 per week or \$11,596.95, which is all due and owing and ordered paid in one lump sum less any amounts previously paid.

The Board adopts the remaining orders set forth in the Award to the extent they are not inconsistent with the above.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of October 2001.

---

BOARD MEMBER

---

BOARD MEMBER

---

BOARD MEMBER

c: Dale V. Slape, Attorney for Claimant  
Roger E. McClellan, Attorney for Respondent  
John D. Clark, Administrative Law Judge  
Philip S. Harness, Workers Compensation Director